



MEMORANDUM

Date: April 26, 2013

To: Honorable Board of County Commissioners
The Planning and Zoning Board

From: Inga Williams, AICP, Principal Planner
Jie Shao, Planner III

Subject: Section 3-9-56, Bridgeless Barrier Island (BBI) Zoning District Code

Recommendation: Approve adoption of the proposed Section 3-9-56, Bridgeless Barrier Island (BBI) Zoning District Code.

The purpose of creating the Bridgeless Barrier Island (BBI) Zoning District is to implement the intent of the Barrier Island Overlay District (BIOD), which is a comprehensive plan overlay district. The BIOD states that residential densities on bridgeless barrier islands are limited to one unit per gross acre or one unit per platted lot. The original restriction was adopted in an update to the 1988 Comprehensive Plan in the year 1990. Staff weighed the option of using an existing zoning district, such as Residential Estates 1 (RE-1) or Residential Single-family 1 (RSF-1), instead of creating a new zoning district but decided that neither existing zoning district would correctly capture the unique development issues of the islands.

The existing zoning districts on the bridgeless barrier islands, such as Residential Multi-family Tourist (RMF-T), Residential Single-family 3.5 (RSF-3.5), and Residential Multi-family 5 (RMF-5), allow a higher density than allowed by the BIOD and the RMF-T allows some semi-commercial uses. Those higher densities ceased to exist in 1990 and any right to develop commercial tourist uses under the RMF-T zoning ceased to exist with the adoption of the 1988 Comprehensive Plan and the Future Land Use Map designation that was applied to those properties, which only allowed residential uses.

The proposed BBI Zoning District:

- Establishes the permitted principal and accessory uses and structures.
- Sets the development standards for lots legally created on or after October 1990, as well as lots legally created prior to October 22, 1990.

Please see Attachment 1, History Timeline, regarding the history of limiting the development rights on the bridgeless barrier islands to one dwelling unit per acre or one dwelling unit per platted lot.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1272 | Fax: 941.743.1299

ORDINANCE
NUMBER 2013--

AN ORDINANCE OF CHARLOTTE COUNTY, FLORIDA,
PROVIDING THAT THE CODE OF LAWS AND
ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BE
AMENDED BY CREATING A NEW SECTION 3-9-56,
ESTABLISHING THE BRIDGELESS BARRIER ISLAND
(BBI) ZONING DISTRICT; PROVIDING FOR INTENT;
PROVIDING FOR PERMITTED AND PROHIBITED USES
AND STRUCTURES; PROVIDING FOR DEVELOPMENT
STANDARDS; PROVIDING FOR CONFLICT WITH OTHER
ORDINANCES, PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County's planning staff created the BBI zoning district in order to
implement the intent of the Smart Charlotte 2050 Comprehensive Plan; and

WHEREAS, the BBI zoning district shall only be allowed on those bridgeless
barrier islands identified in the Smart Charlotte 2050 Barrier Island Overlay District,
which are Little Gasparilla Island, Don Pedro Island, Palm Island, Knight Island and
Thornton Key; and

WHEREAS, the new zoning district will provide consistency with already existing
development limitations on the islands, which is one unit per acre or one unit per platted
lot;

WHEREAS, the County's Planning and Zoning Board (the "**P&Z Board**") held a
hearing on the BBI Zoning Code, and based on the findings and analysis presented in
the Planning Division staff report dated April 30, 2013, and the evidence presented at
the public hearing, the P&Z Board recommended approval of the LGI-OverlayBBI
Zoning Code; and

WHEREAS, the Board considered the LGI-OverlayBBI Zoning Code in public
hearings held on June 25, 2013 and July 23, 2013; and

WHEREAS, AFTER DUE CONSIDERATION, The Board has found that the BBI
Zoning Code is consistent with the Charlotte County Smart Charlotte 2050

1 Comprehensive Plan, will preserve and enhance the Bridgeless Barrier Islands, and is
2 in the best interests of the County and its citizens;

3 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
4 of Charlotte County, Florida:

5 Section 1. The Code of Laws and Ordinances of Charlotte County,
6 Florida (the "**County Code**") is hereby amended to create new Section 3-9-56, which
7 shall provide as follows:

8
9 **Section 3-9-56. Bridgeless Barrier Island (BBI)**

10 a. *Intent.* The Bridgeless Barrier Island zoning district is intended to be used for
11 residential dwellings and uses normally associated with residential dwellings.
12 Some small commercial uses in support of the residential uses may also be
13 allowed by special exception. The BBI zoning district is only allowed on those
14 bridgeless barrier islands identified in the Smart Charlotte 2050 Barrier Island
15 Overlay District, which are Little Gasparilla Island, Don Pedro Island, Palm
16 Island, Knight Island and Thornton Key.

17 b. *Permitted principal uses and structures.* The following uses and structures are
18 permitted in this district:

19 (1) Single-family dwellings excluding mobile homes.

20 (2) Nonprofit parks and playgrounds.

21 (3) Occupied single-family residences used as family day care homes.

22 c. *Permitted accessory uses and structures.* Uses and structures which are
23 customarily accessory and clearly incidental to permitted principal uses and
24 structures are also permitted in this district. All permitted accessory structures
25 are subject to the yard setback requirements of this section. Permitted accessory
26 structures include:

27 (1) Private garage and storage structures subject to the following standards:

28 a. Metal buildings are limited to six hundred (600) square feet.

29 b. Accessory buildings over two hundred fifty (250) square feet must be
30 compatible in appearance to the residence.

31 c. The total maximum coverage area of all accessory structures shall not
32 exceed the greater of one thousand (1,000) square feet or one-half (½)
33 the footprint of the principal structure. Nothing herein shall be construed to
34 permit lot coverage in excess of the twenty (20) percent or thirty-five (35)

1 percent maximum lot coverage established in subsection (f) of this
2 section.

3 (2) Greenhouses, growing of plants and horticultural specialties, provided no
4 retail sales are made on the premises.

5 (3) Swimming pools.

6 (4) Tennis courts.

7 (5) Noncommercial boat docks.

8 d. *Prohibited uses and structure.* Any use or structure not expressly or by
9 reasonable implication permitted herein or permitted by special exception,
10 including but not limited to mobile homes, parking lots and private clubs, shall be
11 unlawful in this district.

12 e. *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.")

13 (1) The following are special exceptions in this district:

14 a. Cluster houses and patio houses, provided a site plan is approved.

15 b. Houses of worship, in accordance with section 3-9-80.1, and community
16 meeting halls.

17 c. Home occupations in accordance with section 3-9-79.

18 d. Child and adult day care facilities.

19 e. Essential services and emergency services.

20 f. The following special exception uses are permitted only within, and shall
21 follow the development standards of, the LGI Zoning District Overlay:

22 1. Golf cart, kayak, paddleboard, and bicycle rental, sales, and service.

23 2. Barge and ferry landing sites.

24 3. Library.

25 4. Structures for the enclosed storage of trucks and other equipment
26 used to service the electric, telephone, or water utilities.

27 5. Water utility treatment and distribution facilities.

28 g. Such other uses as determined by the zoning official or his/her designee
29 to be:

30 1. Appropriate by reasonable implication and intent of the district.

31 2. Similar to another use either explicitly permitted in that district or
32 allowed by special exception.

33 3. Not specifically prohibited in that district.

34 The board of zoning appeals shall review a favorable determination of the
35 zoning official under this provision at the time the special exception

application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

f. *Development Standards:*

BBI		
	Lots Legally Created on or after October 22, 1990	Lots Legally Created prior to October 22, 1990
Lot (min.)		
Area (acres)	1	The minimum lot size required by the zoning district in effect at the time the lot was created.
Width (ft.)	100	The minimum lot width required by the zoning district in effect at the time the lot was created.
Yards (min. ft.)		
Front	25	25
Side (interior)	20	7.5, or 5 if lot is 50 ft. wide or less
Side (street)	20	15
Rear (interior)	20	<u>2015</u>
Rear (street)	25	25
Rear (Gulf)	50	50
Rear (other water)	20	20
Bulk (max.)		
Lot Coverage	20%	35%
Height (ft.)	35	35
Density (units/acre)	1	1 unit/lot

SECTION 2. This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida

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PASSED AND DULY ADOPTED this _____ day of _____,
2013.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Christopher G. Constance, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney

Economic Impact Statement for the Bridgeless Barrier Island Zoning District

I. Purpose

As part of the adoption of the County's Comprehensive Plan, the development rights of properties on the bridgeless barrier islands were restricted in 1990 to one dwelling unit per acre or one dwelling unit per platted lot. Because the existing zoning districts on these bridgeless barrier islands, such as RMF-T or RE-1, would not correctly capture the unique development issues of the islands, a new zoning district, Bridgeless Barrier Island (BBI), was created to provide consistency with the existing development limitations on the islands.

This new zoning ordinance is supported by the Smart Charlotte 2050 Comprehensive Plan, specifically by the goals, objectives and policies listed below:

FLU Policy 2.4.6: Strategy to Protect Coastal High Hazard Area

To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management of the Department of Community Affairs, and shall:

- 1. Prohibit increases of density on any barrier island (FLUM Series Map #9) and, for bridgeless barrier islands, only allow for residential uses at very low densities not to exceed one dwelling per acre or one dwelling unit per lot platted by 1992.*

BARRIER ISLAND OVERLAY DISTRICT (BIOD)

The BIOD consists of Charlotte County's barrier islands including Manasota and Sandpiper Key and Gasparilla Island as well as the bridgeless barrier island chain which includes Don Pedro Island, Knight Island, Thornton Key, and Little Gasparilla Island. This overlay district is illustrated on FLUM Series Map #9. The County may adopt regulations for Manasota and Sandpiper Key and Gasparilla Island as well as Little Gasparilla Island to address their community vision and specific challenges associated with the islands. Increases in density on any barrier island is prohibited.

Compared to the bridgeless barrier islands, bridged barrier islands have greater intensities and densities based on the added availability of public services and infrastructure. Bridgeless barrier islands do not contain convenient public services and infrastructure and it is not the County's intent to expand the scope of service and infrastructure to these islands. The County shall not expand the scope of potable water or sanitary sewer service to the bridgeless barrier islands; solid waste and fire protection may be allowed through a special taxing district or other method approved by the County. All residential densities on bridgeless barrier islands subsequent to February 1, 1992 shall be one unit per gross acre; however, all residential lots created consistent with the Charlotte County Subdivision Regulations prior to that date shall have an allowable density of one unit per subdivided lot.

II. Impact:

A. Costs

1. Monetary-private sector

The properties located on the Bridgeless Barrier Islands have been taxed based on their classifications. Property owners will not experience increased monetary costs due to the proposed amendment.

2. Non-monetary-private sector

Property owners will experience no non-monetary costs due to the proposed amendment.

3. Monetary- public sector

The public sector will experience no monetary costs due to the proposed amendment.

4. Non-monetary- public sector

There are no non-monetary costs to the public sector.

B. Benefits

1. Monetary--private sector

Property owners will not gain any monetary benefits due to the new zoning district.

2. Non-monetary--private sector

Property owners will now have a zoning district that is consistent with the comprehensive plan.

3. Monetary--public sector

No.

4. Non-monetary--public sector

Any confusion surrounding development rights on the islands should cease to exist.

C. Specific groups which will be impacted

All residents and property owners residing on the Bridgeless Barrier Islands.